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FILED

June 16, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE)
SUSPENSION OR REVOCATION OF)
THE, LICENSE OF)
)
CARLOS MINNIG, M.D.)
LICENSE NO.: MA 025291)
)
TO PRACTICE MEDICINE AND)
AND SURGERY IN THE STATE)
OF NEW JERSEY)

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter "the Board") upon the filing in Superior Court of New Jersey, Law Division, Ocean County of an eight-count indictment, Indictment No. I01-06-886, State of New Jersey v. Carlos A. Minnig, et al charging Respondent Carlos A. Minnig, M.D. ("Respondent") with theft by deception, contrary to N.J.S.A. 2C:20-4, conspiracy, contrary to N.J.S.A. 2C:5-2, failure to make required disposition of property received, contrary to N.J.S.A. 2C:20-9, misapplication of entrusted property contrary to N.J.S.A. 2C:21-15, receipt of stolen property, contrary to N.J.S.A. 2C:20-7 and 2C:2-6 and income tax evasion, contrary to N.J.S.A.

CERTIFIED TRUE COPY

54:52-9 and -10 as a result of allegations that Respondent pressured and deceived a 93-year old patient into surrendering her financial assets to him. Respondent having pled not guilty, and having denied all allegations of guilt, wrongdoing, liability or responsibility; and that matter having been amicably resolved without any admission of guilt, wrongdoing, liability or responsibility by an Order dated March 18, 2003 permitting Respondent entry into the Ocean County Pretrial Intervention Program ("PTI") and requiring a commitment to pay restitution in the amount of \$125,000, and upon Respondent's successful completion of PTI, the Court will dismiss all charges against him; and Respondent being a licensee of the Board of Medical Examiners, and it being a condition of the resolution **before** the Ocean County Court and Respondent's entry into PTI that he also surrender permanently with prejudice his license to practice medicine and surgery in the State of New Jersey; and Respondent having denied all allegations but being desirous of resolving this matter without proceedings before the Board of Medical Examiners, and the Board having determined that the within dispositive is adequately protective of the public health, safety and welfare,

IT **IS** on this 16th day of **June**, 2003,

HEREBY ORDERED AND AGREED THAT:

1. Respondent Carlos A. Minnig, M.D. is **hereby** granted leave to and shall permanently surrender his **license** to practice medicine

and surgery in the State of New Jersey with prejudice to any reapplication. Said surrender shall be **deemed** a permanent revocation of license.

2. Respondent shall permanently cease and desist from any practice of medicine and surgery in the State of New Jersey upon **the** receipt of a filed copy of this Order.

3. Respondent shall return his original New Jersey license, his current biennial certificate of registration and waii certificates to: New Jersey State Board of Medical Examiners, 140 East Front Street, P.O. Sox 183, Trenton, New jersey 08608-0183 within five (5) days of the receipt of a filed copy of this Order.

4. Respondent shall return his original CDS registration to: New Jersey State Board of Medical Examiners, 140 East Front Street, P.O. Bcx 183, Trenton, New Jersey 08608-0183 within five (5) days of his **receipt** of a filed copy of this Order.

5. Respondent shall advise the United States Drug Enforcement Administration of his Order within five days of this receipt of a filed copy of this Order.

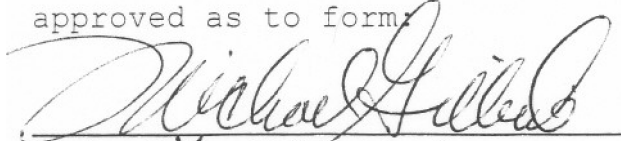
6. Respondent shall comply with the Directives Applicable to any Medical Board licensee who is Suspended, Revoked or whose Surrender of Licensure has been accepted, a copy of which is attached hereto and made a part hereof.

By: William V. Harrer M.D. B.L.D.
William V. Harrer, M.D. B.L.D.

I have **read** the within Consent
Order and understand its terms.
I hereby consent to its entry
and to be bound by its terms.


Carlos A. Minnig, M.D.

This Consent Order is
approved as to form:


Michael V. Gilberti, Esq.
Attorney for Respondent,
Carlos A. Minning

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who **are** the **subject** of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided **will be** maintained separately and **will not be part** of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, **as required by N.J.A.C. 13:45C-1 et seq.** Paragraphs 1 through 4 below shall **apply** when a license **is suspended or revoked** or permanently surrendered, with or without **prejudice**. Paragraph 5 **applies** to **licensees who** are the subject of an order which, while **permitting** continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office **Box** 183, 140 **East** Front Street, **2nd** floor, Trenton, **New Jersey** 08625-0183, the original license, current biennial registration **and**, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she **shall** promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, **at** the conclusion of the term, the licensee may contact the Board office for the return **of** the documents previously surrendered to the Board. **In addition**, at the conclusion of the term, the licensee should contact the **DEA** to advise of the resumption **of** practice **and** to ascertain **the** impact of that change upon his/her **DEA** registration.)

2. Practice Cessation

The licensee shall cease **and** desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but **also** from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee **need** not affirmatively **advise** patients or others of **the** revocation, suspension or surrender, the licensee must truthfully **disclose** his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space *in* which another licensee provides health care services. The disciplined licensee **may** contract for, accept **payment** from another licensee for or rent at fair market value office **premises** and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number **by** any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for **less** than **one** year, the licensee **may** accept payment from another professional who is using his/her office during the period that the licensee is **suspended**, for the payment of salaries for office staff employed **at** the time **of** the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in **which** the practice **was** conducted. **At the end of the three month period**, the **licensee shall** file with the Board the name and telephone number of the contact **person** who **will** have access to medical records of former patients. **Any** change in that **individual** or his/her telephone number **shall be** promptly **reported** to the **Board**. **When** a patient or his/her representative **requests a copy** of his/her medical **record** or **asks** that record **be forwarded** to another health care provider, the licensee shall promptly provide the **record** without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who **is the subject** of any Order **imposing** a probation or monitoring requirement **or a stay of** an active **suspension**, in whole **or** in part, which is conditioned upon compliance with a probation or monitoring **requirement**, the **licensee** shall fully cooperate with the **Board** and its designated representatives, **including the Enforcement Bureau of the Division of Consumer Affairs**, in ongoing monitoring of **the** licensee's status **and** practice. Such monitoring **shall be at** the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may **include, but is not limited to**, inspection of the professional premises **and** equipment, and **inspection and copying** of patient **records** (confidentiality **of** patient identity **shall be** protected **by** the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for **an impaired practitioner** may include, but **is** not limited to, practitioner cooperation in providing **releases** permitting unrestricted access to records **and** other information to the extent permitted **by law** from any treatment facility, other treating practitioner, support group or other individual/facility **involved** in the education, treatment, monitoring or oversight of the practitioner, or maintained **by** a rehabilitation program for impaired practitioners. If bodily substance monitoring **has been** ordered, the **practitioner shall fully cooperate by** responding to a demand for breath, **blood**, urine or other sample in a timely manner and providing the **designated** sample.

ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number: _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.



NOTICE OF REPORTING PRACTICES OF BOARD REGARDING DISCIPLINARY ACTIONS

Pursuant to **N.J.S.A. 52:14B-3(3)**, all orders of the New **Jersey State Board** of Medical Examiners are available for public inspection. Should **any** inquiry **be** made concerning **the** status of **a** licensee, the inquirer will be informed of the existence of the order and a copy will **be** provided if requested, All evidentiary **hearings**, proceedings **on** motions or **other** applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, **are** available for public inspection, upon **request**.

Pursuant to **45 CFR** Subtitle A 60.8, the Board is **obligated** to **report** to the **National Practitioners Data Bank** any action relating to a physician which is based **on** reasons relating to professional competence or **professional** conduct:

- (1) **Which revokes or suspends (or otherwise restricts) a license,**
- (2) **Which censures, reprimands or places on probation,**
- (3) **Under which a license is surrendered.**

Pursuant to **45 CFR** Section 61.7, the Board is obligated to **report** to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of **any** such suspension), reprimand, censure or probation or any other loss of license or the **right to apply** for, or renew, a license of the **provider, supplier, or** practitioner, **whether by** operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly **available** information.

Pursuant to **N.J.S.A. 45:9-19.13**, if the Board refuses to issue, **suspends**, revokes or **otherwise** places conditions on a license or **permit**, it is **obligated** to notify each licensed health **care** facility and **health** maintenance organization with which a licensee is **affiliated** and every other **board** licensee in this state with whom **he or she** is directly associated in private medical practice.

In accordance with an agreement with the **Federation** of State Medical Boards of the **United States**, a list of all disciplinary orders **are** provided **to** that organization on a monthly **basis**.

Within the month following entry of an order, a **summary** of the **order** will appear on the public **agenda** for the **next** monthly Board meeting and is forwarded to those members of **the public** requesting a copy. In addition, the same summary will appear in the minutes of that Board **meeting, which are also made** available to those **requesting** a copy.

Within the **month** following entry of an order, a summary of **the** order will appear in a Monthly Disciplinary Action Listing which **is made** available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered **by the** Board.

From time to time, the Press Office of **the** Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.